

STEVEN G. LEGUM

Attorney at Law

170 OLD COUNTRY ROAD
MINEOLA, NEW YORK 11501

STEVEN G. LEGUM
GINA L. BIASI

(516) 873-9300
Telecopier
(516) 248-0500

October 18, 2018

Hon. Sandra J. Feuerstein
United States District Judge
Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: *Alvarado v. GC Dealer, et al.*
18 Civ. 2915

Dear Judge Feuerstein:

When we appeared before your Honor earlier today, I called to the Court's attention that I required certain documents, to wit: all applications made by the plaintiff for governmental benefits, because we have reason to believe that they reflect representations by him as to his wages and hours of work. Your Honor directed that such documents be produced in advance of the deposition of the plaintiff, over plaintiff's counsel's objection.

When we left the courtroom, I conferred with counsel. I provided her with a copy of defendants' formal document request, a copy of which is attached. Counsel advised me that she did not understand your Honor's directive as compelling the production of those documents. She further advised me that she has thirty days to respond, and that her responses can properly contain objections. I gleaned, from the totality of what was stated, that the requested documents will not be produced.

As I advised the Court, I believe that I require and should have the documents in advance of the plaintiff's deposition. This would avoid the necessity of a second deposition after I obtain the documents. Further, if it is plaintiff's position that he does not have any such applications, he should provide authorizations to obtain them.

Your Honor has provided the parties with three months to complete discovery. It most certainly can be completed in that time frame if I obtain prompt responses. If, however, the plaintiff intends to wait the full thirty days and then serve objections, it will be impossible to move this case and complete discovery within the time frame provided by the Court.

I believe that the nine items contained in the document request are manifestly reasonable and should be provided without delay. Based upon what counsel advised me, I am fearful that

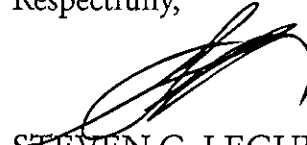
Hon. Sandra J. Feuerstein

Page 2

October 18, 2018

they will not be produced without Court intervention. Absent a shortened time frame and a direction that the plaintiff fully respond, I would most respectfully request that the Court refer the matter to the magistrate judge for the purpose of supervising the discovery.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. Legum', with a large, sweeping flourish at the end.

STEVEN G. LEGUM

SGL/fd
Encls.

United States District Court
Eastern District of New York

-----X
JOEL ALVARADO, On behalf of themselves and others similarly
situated,

Plaintiff,

v.

GC DEALER SERVICES INC., JENNIFER AYALA,
ANTHONY AYALA, JACK BECKERMAN, In their individual
capacities,

Defendants.
-----X

DEFENDANTS' FIRST
REQUEST FOR PRO-
DUCTION OF DOCU-
MENTS

18 Civ. 2915

S.J.F.

S.I.L.

PLEASE TAKE NOTICE that pursuant to Fed.R.Civ.P. 34 plaintiff shall produce and permit for photocopying and inspection, within thirty (30) days hereof, at the offices of STEVEN G. LEGUM, 170 Old Country Road, Mineola, New York the following for the years 2015 to the present:

1. All applications submitted by plaintiff to any person, entity, or governmental agency which reflected the number of hours allegedly worked per week by plaintiff.
2. All applications submitted by plaintiff to any person, entity, or governmental agency which reflected the hourly rate of pay allegedly received by plaintiff.
3. All applications submitted by plaintiff to any person, entity, or governmental agency which reflected the weekly pay allegedly received by plaintiff.
4. Copies of plaintiff's tax returns.
5. All paystubs, or other documents received from defendant reflecting the number of hours worked by plaintiff.
6. All paystubs, or other documents received from defendant reflecting the hourly rate paid to plaintiff.
7. All paystubs, or other documents received from defendant reflecting the amount of weekly pay received by plaintiff.
8. All documents which support the allegation that defendant GC Dealer Services Inc. ("GC

Dealer”) is engaged in commerce.

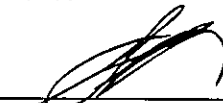
9. All documents which support the allegation that GC Dealer had “an annual gross revenue of \$500,000 for one or more years relevant to this lawsuit.”

10. All items mandated by Fed.R.Civ.P. 26.

Dated: Mineola, New York
October 10, 2018

STEVEN G. LEGUM
Attorney for Defendants
170 Old Country Road
Mineola, New York 11501
(516) 873-9300

by: _____



Steven G. Legum

To: LAW OFFICE OF DELVIS MELENDEZ
90 Bradley Street
Brentwood, New York 11717